

**COMBINED DECLARATION AND POWER OF ATTORNEY**

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As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name; and

I verily believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **"METHOD AND APPARATUS FOR ALLOCATING BANDWIDTH IN A WIRELESS COMMUNICATION SYSTEM"** the specification of which:

☒ is attached hereto.

☐ was filed on \_\_\_\_\_ as Application Serial No. \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to be material to the patentability of this application in accordance with 37 CFR § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a-d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of any application on which priority is claimed:

Country	Number	Date Filed	Priority Claimed
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to be material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.	Filing Date	Status (patented, pending)
_____	_____	_____
_____	_____	_____
_____	_____	_____

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

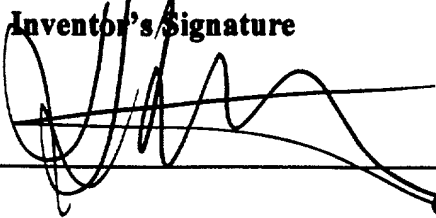


Provisional Appln. No.	Filing Date
_____	_____
_____	_____
_____	_____

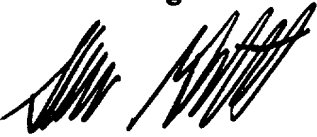
As a named joint inventor, I hereby appoint the following attorney to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: **Martin J. Jaquez, Esq.**, Registration No. 38,060, sole practitioner, of **Jaquez & Associates**, located at 3636 Nobel Drive, Suite 215, San Diego, California, 92122.

Please address all telephone calls and correspondence to:

**Jaquez & Associates**  
c/o **Martin J. Jaquez, Esq.**  
3636 Nobel Drive, Suite 215  
San Diego, CA. 92122  
Telephone No. 619-320-2033  
Facsimile No. 619-320-2034  
E-mail Address: [jaquez@san.rr.com](mailto:jaquez@san.rr.com)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

1	<b>Full Name of Sole or First Inventor:</b> <i>(first, middle (if any), and last)</i> Kenneth L. Stanwood	<b>Inventor's Signature</b> 	<b>Date</b> 10/26/99
	<b>Residence</b> <i>(address, city, state, country)</i> 2403 Montgomery Ave. Cardiff by the Sea, California, United States		<b>Citizenship</b> United States
	<b>Post Office Address</b> <i>(address, city, state, zip, country)</i> 2403 Montgomery Ave. Cardiff by the Sea, California, 92007 United States		
2	<b>Full Name of Additional Joint Inventor:</b> <i>(first, middle (if any), and last)</i> James F. Mollenauer	<b>Inventor's Signature</b> 	<b>Date</b> May 12, 1999
	<b>Residence</b> <i>(address, city, state, country)</i> 37 Silver Birch Rd. Newton, Massachusetts, United States		<b>Citizenship</b> United States
	<b>Post Office Address</b> <i>(address, city, state, zip, country)</i> 37 Silver Birch Rd. Newton, Massachusetts, 02468 United States		
3	<b>Full Name of Additional Joint Inventor:</b> <i>(first, middle (if any), and last)</i> Israel Jay Klein	<b>Inventor's Signature</b> 	<b>Date</b> May 12, 1999
	<b>Residence</b> <i>(address, city, state, country)</i> 5260 Fiore Terrace, Apt. #214 San Diego, California, United States		<b>Citizenship</b> United States
	<b>Post Office Address</b> <i>(address, city, state, zip, country)</i> 5260 Fiore Terrace, Apt. #214 San Diego, California, 92122 United States		

	<b>Full Name of Additional Joint Inventor (if any):</b> <i>(first, middle (if any), and last)</i>  Sheldon L. Gilbert	<b>Inventor's Signature</b>  	<b>Date</b>  5/10/99
4	<b>Residence</b> <i>(address, city, state, country)</i>  12710 Monterey Cypress Rd. San Diego, California, United States		<b>Citizenship</b>  United States
	<b>Post Office Address</b> <i>(address, city, state, zip, country)</i>  12710 Monterey Cypress Rd. San Diego, California, 92122 United States		

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Stanwood, et al. )  
App. No. : 09/316,518 )  
Filed : May 21, 1999 )  
For : METHOD AND APPARATUS FOR )  
ALLOCATING BANDWIDTH IN A )  
WIRELESS COMMUNICATION )  
SYSTEM )  
Examiner : Unassigned )

ESTABLISHMENT OF RIGHT OF ASSIGNEE TO TAKE ACTION  
AND  
REVOCATION AND POWER OF ATTORNEY

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

The undersigned is empowered to act on behalf of the assignee below (the "Assignee"). A true copy of the original Assignment of the above-captioned application from the inventor(s) to the Assignee is attached hereto. This Assignment represents the entire chain of title of this invention from the Inventor(s) to the Assignee.

I declare that all statements made herein are true, and that all statements made upon information and belief are believed to be true, and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that willful, false statements may jeopardize the validity of the application, or any patent issuing thereon.

The undersigned hereby revokes any previous powers of attorney in the subject application, and hereby appoints the registrants of Knobbe, Martens, Olson & Bear, LLP, 620 Newport Center Drive, Sixteenth Floor, Newport Beach, California 92660, Telephone

App. No. : 09/316,518  
Filed : May 21, 1999

(949) 760-0404, **Customer No. 20,995**, as its attorneys with full power of substitution and revocation to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected herewith. This appointment is to be to the exclusion of the inventor(s) and his attorney(s) in accordance with the provisions of 37 C.F.R. § 3.71.

Please use **Customer No. 20,995** for all communications.

ENSEMBLE COMMUNICATIONS, INC.

Dated: Sept. 11, 2000

By:   
Sheldon L. Gilbert

Title: Executive Vice President,  
Engineering and Operations

Address: 9890 Towne Centre Drive,  
San Diego, CA 92121

S:\DOCS\REC\REC-4215.DOC  
081400

## ***ASSIGNMENT***

TO WHOM IT MAY CONCERN:

For the sum of One Dollar and other valuable consideration to us in hand paid, receipt of which is hereby acknowledged, be it known that we, **KENNETH L. STANWOOD**, of 2403 Montgomery Ave., Cardiff by the Sea, California, 92007, United States, **JAMES F. MOLLENAUER** of 37 Silver Birch Rd., Newton, Massachusetts, 02468, United States, **ISRAEL JAY KLEIN** of 5260 Fiore Terrace, Apt. #214, San Diego, California, 92122, United States, and **SHELDON L. GILBERT** of 12710 Monterey Cypress Rd., San Diego, California, 92130, United States, have sold, assigned and transferred and by these presents do sell assign, transfer and set over unto **ENSEMBLE COMMUNICATIONS INC.**, a Delaware corporation, having a corporate office at 6256 Greenwich Drive, Suite 400, San Diego, California, 92122, its successors, legal representatives, or assigns, our whole right, title and interest in and to a certain invention relating to a patent application for:

### ***"METHOD AND APPARATUS FOR ALLOCATING BANDWIDTH IN A WIRELESS COMMUNICATION SYSTEM"***

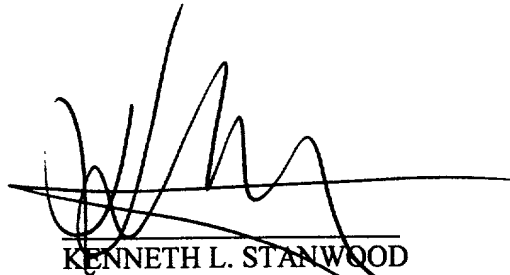
Serial No. \_\_\_\_\_, executed by us and filed in the United States Patent and Trademark Office on \_\_\_\_\_ (applicant's attorney is authorized to enter serial number and filing date after execution of this document), and all original and reissue patents granted thereof, and all divisions and continuations thereof, including the subject matter of any and all claims which may be obtained in every such patent, and all foreign rights to said invention, and covenant that we have full right to do so, and agree that we will communicate to said **ENSEMBLE COMMUNICATIONS INC.**, or its representatives, all facts known to us respecting said invention, whenever requested, and testify in any legal proceedings, sign all lawful papers, make all rightful oaths and generally do everything possible to aid said **ENSEMBLE**

COMMUNICATIONS INC., its successors, assigns, and nominees, to obtain and enforce proper patent protection for said invention in the United States of America and throughout the world.

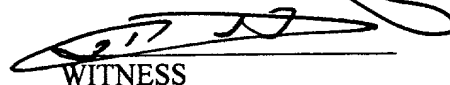
The Commissioner of Patents and Trademarks is requested to issue the Letters Patent which may be granted for said invention or any part thereof unto said **ENSEMBLE COMMUNICATIONS, INC.**, in keeping with this Assignment.

Executed on this \_\_\_\_\_ day of May, 1999.

Date: 10 May 99

  
KENNETH L. STANWOOD

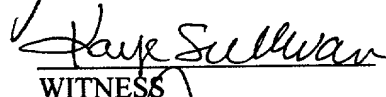
Date: 5/10/99

  
WITNESS

Date: May 12, 1999

  
JAMES F. MOLLENAUER

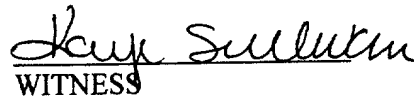
Date: May 12, 1999

  
WITNESS

Date: May 12, 1999

  
ISRAEL JAY KLEIN

Date: May 12, 1999

  
WITNESS

Date: 5/10/99

  
SHELDON L. GILBERT

Date: 5/10/99

  
WITNESS



COPY

### ASSIGNMENT

WHEREAS, We, Kenneth L. Stanwood, a United States citizen, residing at 2403 Montgomery Avenue, Cardiff by the Sea, California 92007; James F. Mollenauer, a United States citizen, residing at 37 Silver Birch Road, Newton, Massachusetts 02468; Israel Jay Klein, a United States citizen, residing at 5260 Fiore Terrace, Apt. #214, San Diego, California 92122; Sheldon L. Gilbert, a United States citizen, residing at 12710 Monterey Cypress Road, San Diego, California 92122; and Rami Hadar, a Israel citizen, residing at 5361 Renaissance Avenue, San Diego, California 92122, have invented certain new and useful improvements in a **METHOD AND APPARATUS FOR ALLOCATING BANDWITH IN A WIRELESS COMMUNICATION SYSTEM** for which we have filed an application for Letters Patent in the United States, Application No. 09/316,581, filed May 21, 1999;

AND WHEREAS, Ensemble Communications, Inc. (hereinafter "ASSIGNEE"), a California Corporation, with its principal place of business at 9890 Towne Centre, San Diego, California 92121, desires to acquire the entire right, title, and interest in and to the said improvements and the said Application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said inventors, do hereby acknowledge that we have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title, and interest throughout the world in, to and under the said improvements, and the said application and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and we hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

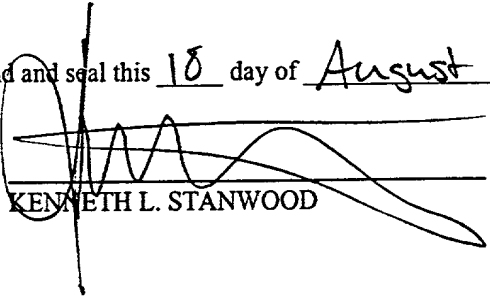
AND WE HEREBY covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

COPY

Application No.: 09/316,518  
Filing Date: May 21, 1999

PATENT  
Client Code: ENSEMB.006A  
Page 2

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 18 day of August, 2000

  
KENNETH L. STANWOOD

STATE OF

COUNTY OF

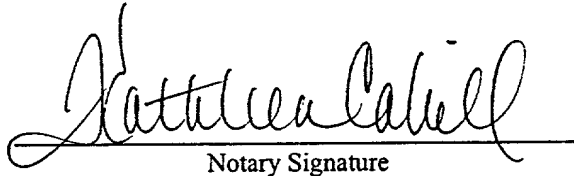
ss.

On 8-18-00, before me, KATHLEEN CAHILL, personally appeared KENNETH L. STANWOOD personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



  
Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
JAMES F. MOLLENAUER

STATE OF

COUNTY OF

ss.

On \_\_\_\_\_, before me, \_\_\_\_\_, personally appeared JAMES F. MOLLENAUER personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

\_\_\_\_\_  
Notary Signature

COPY

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

KENNETH L. STANWOOD

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

ss.

On \_\_\_\_\_, before me, \_\_\_\_\_, personally appeared KENNETH L. STANWOOD personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 29 day of August, 2000

James F. Mollenauer  
JAMES F. MOLLENAUER

STATE OF MASSACHUSETTS

COUNTY OF MIDDLESEX

ss.

On AUG 29/2000 before me, Lachlan Grant, personally appeared JAMES F. MOLLENAUER personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

Lachlan Grant  
Notary Signature  
My Commission Expires Oct. 28, 2002

COPY

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 7<sup>th</sup> day of Sept, 2000

ISRAEL JAY KLEIN

STATE OF CALIFORNIA

COUNTY OF SAN DIEGO

ss.

On SEPT 7, 2000, before me, KATHLEEN CAHILL, personally appeared ISRAEL JAY KLEIN personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



Kathleen Cahill  
Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 18<sup>th</sup> day of August, 2000

SHELDON L. GILBERT

STATE OF

COUNTY OF

ss.

On 8-18-00, before me, KATHLEEN CAHILL, personally appeared SHELDON L. GILBERT personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



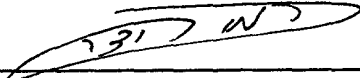
Kathleen Cahill  
Notary Signature

COPY

Application No.: 09/316,518  
Filing Date: May 21, 1999

PATENT  
Client Code: ENSEMB.006A  
Page 4

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 18<sup>th</sup> day of AUG., 2000

  
\_\_\_\_\_  
RAMI HADAR

STATE OF  
COUNTY OF


} ss.  
}

On 8-18-00, before me, KATHLEEN CAHILL, personally appeared RAMI HADAR personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



  
\_\_\_\_\_  
Notary Signature